

January 27, 2026

Livaughn Chapman, Jr.
Deputy Assistant General Counsel
Office of Aviation Consumer Protection
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Re: DOT-OST-2010-0054-0012, Agency Information Collection Activities; Proposals, Submissions, and Approvals: Nondiscrimination on the Basis of Disability in Air Travel: Reporting Requirements for Disability-Related Complaints, Request for Comments

Dear Mr. Chapman:

The undersigned organizations submit the following comments in response to a request for comments from the U.S. Department of Transportation (DOT), Office of Aviation Consumer Protection on reporting requirements for disability-related complaints. The request was published on November 28, 2025. We write to emphasize the importance of collecting information on air travel disability-related complaints. This information is necessary to ensure that people with disabilities are being treated in a safe manner that respects their dignity in air travel and carriers comply with the requirements of the Air Carrier Access Act of 1986 (ACAA). When the ACAA was enacted, Congress directed the department to promulgate regulations to provide safe carriage for passengers with disabilities, consistent with that provided to passengers without disabilities, and prohibited disability discrimination in commercial air travel.¹ Moreover, the Secretary of Transportation must “regularly review all complaints received by carriers alleging discrimination on the basis of disability” and “report annually to Congress on the results of such review.”² For DOT to comply with these requirements, the department must continue to collect disability-related complaint data from the carriers. DOT may also rely on this information to inform policy changes and for enforcement matters. With the complaint data, we also urge DOT to conduct investigations and engage in ACAA enforcement efforts, as appropriate.

The Wendell H. Ford Aviation Act of the 21st Century requires DOT to review all complaints that air carriers receive from passengers with disabilities and submit an annual report to Congress.³ In addition, the FAA Reauthorization Act of 2024 required the Secretary to submit annual congressional reports with additional disability-related complaint data and information.⁴ The Paperwork Reduction Act of 1995 requires all federal government agencies to receive approval from the Office of Management and Budget (OMB) before promulgating a paper form, website, survey, or electronic submission that will impose an information collection burden on the general public. On July 8, 2003, DOT published a final rule that requires most certificated U.S. and foreign air carriers operating to, from, and within the United States, that conduct passenger-carrying services utilizing large aircrafts, to record complaints alleging inadequate accessibility or discrimination on the basis of

¹ Pub. L. 99-435, § 3, 100 Stat. 1080, 1080 (1986).

² 49 U.S.C. 41705(c)(3).

³ “AIR-21”; Pub. L. 106-181, § 707 (2000).

⁴ Pub. L. 118-63 (2024).

disability.⁵ The air carriers must categorize these complaints according to the type of disability and nature of the complaint, prepare an annual summary report of the complaints received during the preceding calendar year, submit the report to DOT's Aviation Consumer Protection Division, and retain copies of correspondence and records of action taken on the reported complaints for three years. The collection was approved by OMB and extended in 2007 (with change), 2010 (with change), 2016 (without change), 2019 (without change), and 2022 (without change).⁶

To improve the efficiency of data collection and reduce the burden on the respondents, DOT launched the Aviation Complaint, Enforcement, and Reporting System (ACERS), a web-based portal, to accept annual disability reports. In addition, ACERS was developed to offer air carriers and other industry users improved disability reporting efficiencies and capabilities. The system even allows respondents with no complaints to simply type in zero in the portal's fields. Furthermore, reports can be saved and edited later. Based on its abilities, ACERS offers the opportunity for respondents to significantly reduce the burden of data collection for future reports. Thus, the burden estimated on respondents in this notice may not be accurate for the actual hours required due to the launch of ACERS. ACERS' ability to reduce the burden further substantiates that reporting requirements should be extended.

1. Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility

The collection of the information is necessary for carriers and DOT to comply with legislative and regulatory requirements and has practical utility. The ACAA prohibits discrimination in air travel against individuals with disabilities. Yet, in calendar year 2023, respondents received 49,082 complaints, ranging from 0-9,717 per responding carrier. These complaints arise out of various issues such as refusing to board a passenger, inaccessible aircraft and airports, and damage to mobility devices. Without collection and reporting of these complaints, the experience of passengers with disabilities will not be accurately understood, making it nearly impossible for the department to assist air carriers in complying with the statute. Moreover, without these reports, DOT is unable to meet the agency's requirements under the Wendell H. Ford Aviation Act of the 21st Century and FAA Reauthorization Act of 2024 to review the complaints and provide a report to Congress. Only with the collection of these complaints can DOT continue to meet their congressional duties and airlines be held accountable.

Moreover, the high number of complaints demonstrates a significant deviation from the federal requirements to safeguard the safety and dignity of individuals with disabilities. The collection of this information outlines which air carriers receive the most complaints and what types of discrimination occur during air travel. Often, air carriers do not proactively take appropriate steps to remedy the issues. DOT is responsible for holding air carriers accountable for disability discrimination and assisting them in complying with the law. Without these reports and subsequent investigations, air carriers will continue to discriminate against individuals with disabilities without the enforcement of federal regulations. Not only is the information collection necessary, but

⁵ U.S. Department of Transportation, Reporting Requirements for Disability-Related Complaints, RIN 2105-ADO4 (July 8, 2003), <https://www.federalregister.gov/documents/2003/07/08/03-17248/reporting-requirements-for-disability-related-complaints>.

⁶ Reporting Requirements for Disability-Related Complaints, OMB-2105-0551.

we reiterate the importance of DOT's actions to investigate complaints alleging ACAA violations and enforce regulations to protect the safety and dignity of passengers with disabilities as required by Congress.

2. The accuracy of the Department's estimate of the burden of the proposed information collection

DOT estimates that the total burden on the respondents ranges from 0-2,429.25 hours per carrier to record and categorize each complaint. In addition, DOT estimates .5 hours a year for the respondents to submit these reports to DOT. However, these numbers may now be overestimated with the rollout of ACERS. ACERS was developed to offer air carriers and other industry users improved disability reporting complaint efficiencies and capabilities. Thus, we expect ACERS to reduce the burden on the carriers.

3. Ways to enhance the quality, utility and clarity of the information to be collected

The information reported from the carriers is too generalized to result in necessary remedial actions. For example, the reports simply categorize complaints from vague options such as "failure to provide assistance" to "other."⁷ These do not adequately capture the information needed to understand the types of issues passengers are experiencing. If a wheelchair user is injured during a transfer, does this qualify as "failure to provide assistance" or "other"? The reports do not address physical injuries to passengers at all. It is critical to know if, when, and why injuries occurred. In addition, the report does not account for whether a power wheelchair or a manual wheelchair was damaged. A response to which types of mobility devices are more commonly damaged will illustrate the need for updated procedures and training of air carrier personnel and contractors. The need to collect information on physical injuries and damage to assistive devices is of the upmost importance. Overall, the information collected should be refined to allow the department to more easily discern systemic issues.

ACERS more definitively categorizes complaints. For example, if the complainant checks that the complaint is due to "enplaning, deplaning, physical transfer assistance," more options populate automatically. This includes, "no assistance was provided;" "assistance provided was not safe;" "equipment used for assistance (e.g., lift, ramp, aisle chair) was not adequate;" "personnel providing physical assistance was not adequately trained;" and "other." All these options could be violations of the ACAA. However, in the disability-related complaint reports, these would all likely fall under "failure to provide assistance" or "other." Whether the transfer was unsafe or no assistance was provided are vastly different types of complaints. In addition, one option on the ACERS complaint form is a concern about "complaint resolution (including Complaint Resolution Official [CRO])." However, this does not seem to fall into any category on complaint reports and may be marked solely as "other." With ACERS, carriers should provide more detailed data that matches the options of the complaint forms. The reporting requirements should be more specific to capture the nature of complaints so that they more accurately reflect the data of the complaints filed directly with the department. For example, the reporting requirements should create a new category of "unsafe enplaning, deplaning, and physical transfer assistance" to separate it from "failure to provide assistance." In addition, the reporting collection should include complaints citing issues with CROs. Information is necessary to determine whether there are systematic issues or violations of the ACAA with a single carrier or in general. This information can determine whether DOT should engage with

⁷ See, e.g., U.S. Department of Transportation, 2023 Disability-Related Complaints Received for Individual Carriers (Aug. 16, 2024), <https://www.transportation.gov/resources/individuals/aviation-consumer-protection/2023-disability-related-complaints-received>.

an airline to foster compliance with the ACAA or engage in enforcement action and/or whether DOT should engage in rulemaking to further define requirements.

The FAA Reauthorization Act of 2024 requires the Secretary to submit annual congressional reports with additional disability-related complaints data reported to DOT.⁸ The addition of these reporting requirements illustrates Congress' intent to review more in-depth complaint data, not less, than those originally required in the ACAA. Under the FAA Reauthorization Act, the Secretary must also report several additional categories including, but not limited to: (1) the condition, availability, or lack of accessibility of equipment operated by an air carrier or a contractor of an air carrier; (2) the accessibility of in-flight services, including accessing and using on-board lavatories, for passengers with a disability; (3) difficulties experienced by passengers with a disability in being moved, handled, or otherwise assisted; and (4) an air carrier changing the flight itinerary of a passenger with a disability without the consent of such passenger.⁹ However, these specific complaints would be broadly categorized by the airlines. For example, it is unclear how "the condition, availability, or lack of accessibility of equipment operated by an air carrier or a contractor of an air carrier" would be categorized. Furthermore, an important complaint of "difficulties experienced by passengers in being moved, handled, or otherwise assisted" – which have resulted in injuries and other harms suffered by passengers – could likely fall under "other" by the current categories. It is essential that carriers are required to report the same categories as DOT to Congress.

DOT should add one new category to the disability-complaint data that is not yet captured. There are times when airlines are refusing to transport an individual's mobility device, especially due to the size of the device, such as power wheelchairs, or due to the type of batteries used by the device, e.g., lithium batteries. These should be categorized under "failure to board due to a mobility device." Carriers may contend that since they did not deny transport to the passenger's physical body, they did not refuse air transport. But denying a passenger's mobility device often results in a de facto failure to board the passenger. These refusals must be tracked to ensure that passengers with disabilities are not illegally denied the right to air transportation. However, the closest description for these incidents is the category "refused to board." Even in ACERS, the most relevant category is "denying transportation due to a disability." The subcategory on ACERS would be "other." With airlines continuing to amend their policies regarding the tipping of power wheelchairs to load and unload and the transport of lithium batteries, it is important that these denials be specifically tracked when an airline will not provide air transport. Furthermore, some potential passengers are denied transport of their wheelchair based on its size or due to the type of batteries used by their mobility device and are unable to even purchase their tickets. This should be categorized under "failure to book due to a mobility device." It is pertinent that data is tracked on how often passengers are being denied ticket purchases to understand how people with disabilities are being denied access to air transportation.

4. Ways to minimize the burden of the collection of information on respondents

The burden to collect and categorize the complaints can be alleviated through improvements to the manner in which a complaint is categorized. ACERS accomplished this with a check box system that allows a complainant to categorize their complaint. To minimize the burden of categorizing online complaints, carriers could include check boxes or indicators for passengers to mark the basis of the complaint. In addition, many online complaint

⁸ Pub. L. 118-63 (2024).

⁹ FAA Reauthorization Act of 2024, § 545(b).

forms are difficult for passengers to find. This could result in more passengers calling an air carrier to report their complaint. Phone complaints could take more time for airline personnel to collect and categorize the complaint, increasing the burden on the carrier. If online complaint forms were easier to find and more specific, this would reduce the reporting and categorizing burden on the respondents.

Thank you for the opportunity to provide comments on this important matter. If you have any questions, please contact Heather Ansley, Paralyzed Veterans of America, Chief Policy Officer at HeatherA@PVA.org or Danica Gonzalves, Paralyzed Veterans of America, Senior Advocacy Attorney, at DanicaG@PVA.org.

Sincerely,

All Wheels Up
ALS Association
ALS Network
ALS New Mexico
ALS United
ALS United Illinois
ALS United of Georgia
American Association of People with Disabilities
American Council of the Blind
Christopher & Dana Reeve Foundation
Cure SMA
Deaf Equality
Disability Rights California
Easterseals, Inc.
Muscular Dystrophy Association
National Disability Rights Network (NDRN)
National Multiple Sclerosis Society
Paralyzed Veterans of America
Parent Project Muscular Dystrophy
Service Employees International Union
The Arc of the United States
The Seeing Eye, Inc.
United Spinal Association